



**International Association of
Chiefs of Police**

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of:)
)
Communications Assistance for Law)
Enforcement Act)

CC Docket No. 97-213

To: The Commission

These comments are being submitted with regard to the above-referenced proceeding.

At the outset, the International Association of Chiefs of Police (IACP) would like to thank the Commission for the tremendous work it has done thus far in recognition of law enforcement's expanding needs in the digital age. As the representative of over 17,000 law enforcement executives from federal, state, and local government, the IACP is well aware of the necessity for law enforcement to maintain the ability of surveillance as a means of restraining criminal activity.

As technology continues to grow, it is imperative to public safety that law enforcement's abilities grow at a comparable rate. Congress took these needs into consideration and, by enacting CALEA, recognized the importance of allowing law enforcement to maintain its current legal authority in a time when technology has the potential to give criminals a safe haven in their communication with one another. As you reach your final decision on this issue, we ask that you keep in mind Congress's intent for CALEA to protect law enforcement's ability to perform wiretaps.

The IACP is pleased to note that the FCC has tentatively agreed to five items from the "punch list." Although we realize these items are still under consideration, the IACP

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106th Annual
International Association
of Chiefs of Police Conference
October 30-November 4, 1999
Charlotte, NC

would like to thank you for acknowledging the necessity of these capabilities for law enforcement and urge you to codify your tentative conclusions in the final ruling. As you know, these five items are:

- **Conference calls** – Law enforcement needs the ability to receive conversations between 2 or more individuals when that conference call is supported by the subject's service. This must be done regardless of whether the subject is on the phone or not.
- **Party Hold, Party Join, and Party Drop Messages** – Law enforcement must have the ability to identify the participation of each subject in a call. This must be done whether an individual is on hold, drops off of, or joins into, the conversation.
- **Access to subject-initiated dialing and signaling** – Law enforcement must have the ability to know all of the subject's input to the network throughout each call in order to be aware of how the subject directs the communication.
- **Timely delivery of call data** – Law enforcement must have the ability to associate call data with call events within a reasonable time. This timeliness is critical in emergency situations.
- **Dialed Digit Extraction** – Law enforcement must have the ability to extract dialed digits from the communications path, as well as delivery to all dialed digits, over a single line.

These five capabilities will go a long way in allowing law enforcement to take the necessary steps to protect the public's welfare.

However, further action must be taken to ensure that technological advances do not prevent law enforcement from performing legally authorized wiretaps. If law enforcement loses the ability to conduct surveillance because of technological advances, the safety of the nation will be sacrificed while the capabilities of criminals are advanced. It is important to remember that law enforcement is not seeking an expansion of its authority, only the technology to maintain its current capabilities.

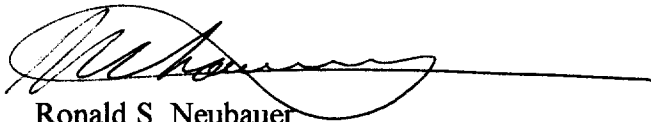
Therefore, the IACP strongly encourages you to rule in favor of the following four capabilities for law enforcement:

- **Surveillance Status Message** – It is imperative that law enforcement be able to receive a message that the surveillance equipment and software is functioning properly and, even more importantly that it is the subject who is being intercepted, not an innocent bystander. This would help to ensure the privacy of others while guaranteeing that we obtain information only from the intended subject.

- **Feature Status Message** – It is critical that law enforcement be made aware when a subject acts to change the features on their line. For instance, law enforcement would need to be aware of the subject adding call waiting to their line in order to properly interpret the surveillance data.
- **Continuity Check** – Law enforcement must have the ability to verify that a phone line between the carrier and law enforcement works. It is essential that law enforcement know when a communications delivery circuit has failed so as not to result in the loss of crucial evidence.
- **In Band and Out of Band Signaling** – A grave concern of law enforcement in the context of continued surveillance capabilities, is the ability of law enforcement to know what network information is sent to the subject, and others on the line, during a call. This information is often necessary for law enforcement to understand the course of current and future events.

Once again, the IACP is greatly appreciative of the recognition the Commission has given the needs of law enforcement. However, in order to ensure that law enforcement can keep pace with the technological advances in digital telephony, the IACP asks that you rule in favor of allowing law enforcement the aforementioned 9 capabilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald S. Neubauer', with a long horizontal flourish extending to the right.

Ronald S. Neubauer
President